

Rec'd PCT/PTO 14 APR 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/541,090 Confirmation No.:
Applicant(s): Temple, Kit
Filed: 12/18/2003
Art Unit:
Examiner:
Title: Distributing Content Data
Attorney Docket No.: 884A.0119.U1(US)
Customer No.: 29,683

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37 CFR §1.47(b)

Sir:

Applicant's attorney hereby petitions under 37 CFR §1.47(b) on behalf of and as agent for the inventor for a patent in the above-identified patent application.

Enclosed are the following items to support this petition:

- Declaration required by 37 CFR §1.63 and §1.64;
- Statement of Facts; and
- Fee under 37 CFR §1.17(g).

Please charge deposit account 50-1924 for any fee deficiency.

04/18/2006 GFREY1 00000053 10541090

03 FC:1463

200.00 OP

Respectfully submitted,

Mark F. Harrington

Mark F. Harrington (Reg. No. 31,686)

4/7/06

Date

Customer No.: 29683

Harrington & Smith, LLP

4 Research Drive

Shelton, CT 06484-6212

203-925-9400

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date shown below in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4/10/06
Date

Ann Okrentowich
Name of Person Making Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement of Facts to Support
Petition Under 37 CFR §1.47(b)

Sir:

The undersigned hereby declares:

I, James Seymour, am a European Patent Attorney employed by Nokia (U.K.) Limited.

Based upon information and belief, the inventor, Kit Temple, in the above-identified patent application cannot be found or reached after a diligent effort or refuses to execute the application papers for the above-identified patent application. Therefore, application for patent in the above-identified patent application is being made on behalf of Nokia Corporation, the owner of the inventor's former employer, Nokia (U.K) Limited.

Relationship To The Inventor:

Based upon information and belief, Nokia Corporation is the owner of 100% of the inventor's former employer: Nokia (U.K) Limited. Attached as Exhibit C is a copy of a letter from the HR Administrator of Nokia (U.K.) Limited. Based upon information and belief, the invention was conceived and constructively reduced to practice by the inventor while the inventor was employed by Nokia (U.K.) Limited in the course of his employment as evidenced by the Applicant information ("Nokia Corporation") in WO 2004/059964 A1; the publication of the International Application (No. PCT/EP2002/051065) corresponding to the present U.S. national stage application, and GB 2396946 A; the publication of GB 0230263.6 which is the priority application for the present U.S. national stage application.

Proof That The Inventor Cannot Be Found Or Reached After A Diligent Effort Or Refuses To Execute The Application Papers:

Based upon information and belief:

- On 15th August 2005 a letter was sent by mail to the inventor at his last known address including a set of papers for signing and a return stamped addressed envelope. A copy of that letter is attached in Exhibit A. No signed papers were received in reply to that letter.
- On 28th September 2005 a second letter was sent by mail to the inventor at his last known address including a second set of papers for signing and another return stamped addressed envelope. A copy of that letter is attached in

Exhibit B. No signed papers were received in reply to that letter.

Last Known Address Of Inventor:

Based upon information and belief, the last known address of the inventor is:

**Kit Temple
Iris House, Pyrford Road
Woking, Surrey GU22 8UQ
United Kingdom**

Proof Of Proprietary Interest:

Based upon information and belief, the invention was made by the inventor while employed by Nokia (U.K.) Limited. Based upon information and belief, the relevant provisions of UK law give entitlement to the invention initially to Nokia (U.K.) Limited as the inventor's employer and subsequently to Nokia Corporation as successor in title.

Proof That The Filing Of The Application Is Necessary:

Based upon information and belief:


- the present application was filed as an international application designating the U.S. as a designated state on 18 December 2003, and application papers enter the national stage of the application in the USPTO were filed with the USPTO on June 29, 2005;

- a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office was mailed by the USPTO on December 13, 2005;
- a response to the Notice was due by February 13, 2006; and
- unless this application for patent (without the inventor's signature) is accepted, the above-identified application will go abandoned.

Thus, the present application is necessary to preserve the rights of the parties.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 7 April 2006

By: 

Name: James Seymour

Exhibit A

Mr Kit Temple
Iris House,
Pyrford Road,
Woking,
Surrey
GU22 8UQ

15 August 2005

Dear Kit

New US Patent Application
"Distributing Content Data"
Inventor : Kit Temple

Our ref: NC 33804 US (PAT 02014*US)

In connection with our proposed US patent application, would you please sign and date the enclosed Declaration and Assignment documents at the two places indicated, using the same date on both documents.

A copy of the patent specification is attached to the Declaration. Please read the documents, including the specification, carefully before signing.

I would be ready to authorise payment of a reasonable, modest consultancy fee for dealing with this matter, if you complete and return the attached standard form of invoice. In the circumstances I feel that this consultancy fee would not exceed £100.

Do not hesitate to call me if there is anything you would like to discuss.

Please return the signed papers to me as soon as possible. A stamped addressed envelope is enclosed for your convenience.

Yours sincerely

J.P. A. Brain
James Seymour

JS/ab/0031

Enes: Declaration and Assignment documents
Patent specification (attached to Declaration)
Additional copy of patent specification for your retention

Exhibit B

NOKIA

Mr Kit Temple
Iris House,
Pyrford Road,
Woking,
Surrey
GU22 8UQ

28 September 2005

Dear Kit

New US Patent Application
"Distributing Content Data"
Inventor : Kit Temple

Our ref: NC 33804 US (PAT 02014*US)

We wrote to you previously on the 15 August 2005. However we have not received a reply so I am writing to you again in connection with our proposed US patent application. Would you please sign and date the enclosed Declaration and Assignment documents at the two places indicated, using the same date on both documents.

A copy of the patent specification is attached to the Declaration. Please read the documents, including the specification, carefully before signing.

I would be ready to authorise payment of a reasonable, modest consultancy fee for dealing with this matter, if you complete and return the attached standard form of invoice. In the circumstances I feel that this consultancy fee would not exceed £100.

Do not hesitate to call me if there is anything you would like to discuss.

Please return the signed papers to me as soon as possible. A stamped addressed envelope is enclosed for your convenience.

Yours sincerely

J. Seymour

James Seymour

JS/ab/0033

Encs: Declaration and Assignment documents
Patent specification (attached to Declaration)

NOKIA IPR DEPARTMENT Additional copy of patent specification for your retention
Nokia House
Summit Avenue
Farnborough
Hampshire
GU14 0NG
UK
Tel: +44 (0) 1252 865080

Nokia UK Limited
Registered in England No. 2212202
Registered Office:
Lancaster House
Ermine Business Park
Huntingdon
Cambs PE29 6YJ

Exhibit C

NOKIA

To Whom It May Concern:

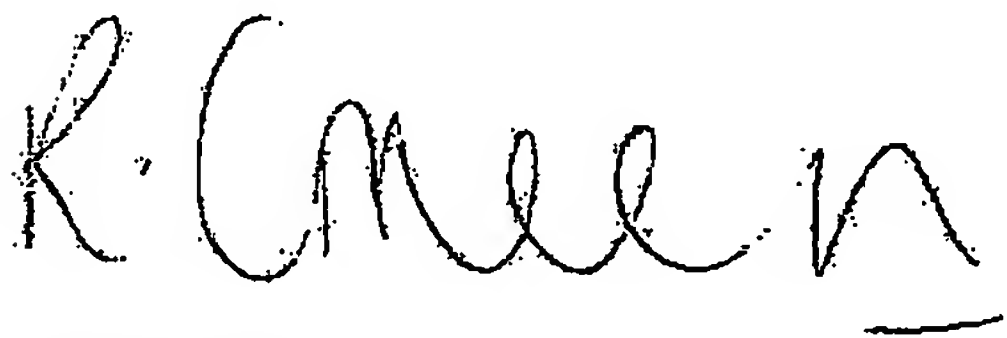
20 December 2005

Dear Sir/Madam,

RE: Kit Temple

Please accept this letter as confirmation that Kit Temple was employed by Nokia (UK) Ltd, in a full time established capacity from 16.07.2001 to 30.04.2003.

Yours sincerely,



Becky Green
HR Administrator
Direct Line: 01252 867499